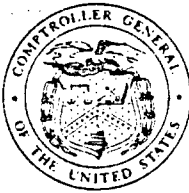


**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-186978

DATE: July 29, 1976

MATTER OF: Motor Coach Industries, Inc.

61241  
98783

**DIGEST:**

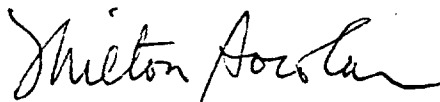
Protests concerning affirmative determination of responsibility are no longer reviewed by GAO except for reasons not applicable in this case.

Motor Coach Industries, Inc. has protested the award of a contract to Eagle International Inc. (Eagle) under solicitation No. FYPH-H1-A6024-N-5-21-76 issued by the General Services Administration (GSA).

The protester requests a reevaluation of the award on the grounds that Eagle's 1975 annual report, which may not have been available at the time of GSA's evaluation, indicates that Eagle was experiencing serious financial and operational problems. In essence, the protest concerns the procuring agency's affirmative determination of the awardee's responsibility.

This Office no longer reviews protests concerning affirmative determinations of responsibility, absent allegations of fraud on the part of the contracting officer or other circumstances not applicable here. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. While we do consider protests involving negative determinations of the protester's responsibility in order to provide assurance against arbitrary rejection of bids, affirmative determinations are based in large measure on subjective judgments which are largely within the discretion of the procuring officials who must suffer any difficulties resulting by reason of a contractor's inability to perform.

Accordingly, this protest is dismissed.

for   
Paul G. Dembling  
General Counsel

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